

III. REMARKS

1. Claims 1-14 remain in the application. Claim 4 has been amended to overcome the 35 USC 112. second paragraph rejection.

The amendments to the claims are not limiting, are not made for reasons related to patentability, and do not raise issues of estoppel.

2. In the present Office Action Summary dated 30 June 2006, the Examiner indicates in Box 12c that none of the certified copies of the priority documents have been received.

Applicants mailed a certified copy of the European foreign priority Application No. 03250217.1 to the USPTO on 13 January 2004.

Attached to this response is:

A copy of the Express Mail Certificate of Mailing dated January 13, 2004 listing the Certified Copy of the Priority Document;

A copy of the Transmittal of Certified Copy; and

A copy of the first page of the priority application mailed on 13 January 2004.

Therefore, Applicants respectfully submit that a certified copy of the European foreign priority Application No. 03250217.1 was in fact submitted and received by the USPTO.

Applicants request an acknowledgement that the priority document was received.

3. Applicants appreciate the indication that claims 7, 9, 11 and 14 would be allowable if rewritten in independent form including all the limitations of the base claim and any intervening claims. However, Applicants believe that these claims are patentable as they stand for the reasons stated below.

4. Applicants respectfully submit that claims 1-6, 8, 10, 12, and 13 are not anticipated by the prior art disclosed in Figure 2 of the present application under 35 USC 102(a).

Figure 2 fails to disclose or suggest injecting a pilot tone into a reference input of a digital to analog converter as recited by claim 1, or a pilot tone source arranged to inject a pilot tone into a reference input of a digital to analog converter as recited by claim 8.

As correctly pointed out by the Examiner in the present action, "the pilot tone is injected or added by the addition circuit (19)." Page 3, lines 9-22 describe the connections and operations of the components of Figure 2 and clearly state that the pilot tone is generated by generator 16, fed to amplitude control unit 18, and fed into summation node 19 to be added to the output of D/A 12.

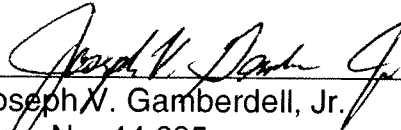
Thus, the pilot tone is added to the output signal of D/A 12 in Figure 2. In contrast, the claims are directed to injecting the pilot tone into the reference input of the D/A.

At least for these reasons, Applicants submit that Figure 2 does not anticipate independent claims 1 and 8 and dependent claims 2-6, 10, 12, and 13.

For all of the foregoing reasons, it is respectfully submitted that all of the claims now present in the application are clearly novel and patentable over the prior art of record, and are in proper form for allowance. Accordingly, favorable reconsideration and allowance is respectfully requested. Should any unresolved issues remain, the Examiner is invited to call Applicants' attorney at the telephone number indicated below.

The Commissioner is hereby authorized to charge payment for any fees associated with this communication or credit any over payment to Deposit Account No. 16-1350.

Respectfully submitted,



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5 September 2006
Date

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CERTIFICATE OF MAILING BY "EXPRESS MAIL" (37 CFR 1.10)

Applicant(s): Cerisola, M.

Docket No.

36030108 US02/871-011572-US

(PA)

Serial No.

Filing Date
Herewith

Examiner

Group Art Unit

Invention: **METHOD TO INJECT PILOT TONE INTO MICROCONTROLLER-SUPERVISED DWDM TRANSMITTERS**

COPY

I hereby certify that the following correspondence:

Patent Application, Patent Application Transmittal Form, Assignment, Assignment Cover Sheet, Declaration and Power of Attorney, Preliminary Amendment, Certified Copy of Priority Document, Postcard, Check*(Identify type of correspondence)*

is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on

January 13, 2004*(Date)*Rosanna Belenchia*(Typed or Printed Name of Person Mailing Correspondence)**(Signature of Person Mailing Correspondence)*EL990504131US*("Express Mail" Mailing Label Number)***Note: Each paper must have its own certificate of mailing.**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Express Mail No.: EL990504131US

In re application of: Cerisola, M.

Serial No.: 0 /

Filed: Herewith

For: METHOD TO INJECT PILOT TONE INTO MICROCONTROLLER-SUPERVISED
DWDM TRANSMITTERS

Group No.:

Examiner:

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Commissioner for Patents
P.O. Box 1450
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TRANSMITTAL OF CERTIFIED COPY

Attached please find the certified copy of the foreign application from which priority is claimed for this case:

Country : EPO
Application Number : 03250217.1
Filing Date : 14 January 2003

WARNING: "When a document that is required by statute to be certified must be filed, a copy, including a photocopy or facsimile transmission of the certification is not acceptable." 37 CFR 1.4(f) (emphasis added.)

Reg. No.: 44,695


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NOTE: The claim to priority need be in no special form and may be made by the attorney or agent if the foreign application is referred to in the oath or declaration as required by § 1.63.

(Transmittal of Certified Copy [5-4])



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Bescheinigung

Certificate

Attestation

Die angehefteten Unterlagen stimmen mit der ursprünglich eingereichten Fassung der auf dem nächsten Blatt bezeichneten europäischen Patentanmeldung überein.

The attached documents are exact copies of the European patent application described on the following page, as originally filed.

Les documents fixés à cette attestation sont conformes à la version initialement déposée de la demande de brevet européen spécifiée à la page suivante.

Patentanmeldung Nr. Patent application No. Demande de brevet n°

03250217.1

Der Präsident des Europäischen Patentamts;
Im Auftrag

For the President of the European Patent Office

Le Président de l'Office européen des brevets
p.o.

R C van Dijk